IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

WEDNESDAY, THE 31ST JANUARY 2007 / 11TH MAGHA 1928

Bail Appl..No. 460 of 2007()

C.R.NO.81/00 OF UDUMPANCHOLA EXCISE RANGE

PETITIONER/1ST ACCUSED

SAJI, S/O MANI, VETTUKALLEL HOUSE,
ERATTYAR.

BY ADV. SRI.T.A.UNNIKRISHNAN
SRI.P.P.BIJU

RESPONDENTS: COMPLAINANT

THE STATE OF KERALA REP.BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 31/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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Bail Application NO.460 of 2007

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DATED: 31-01-2007

O R D E R

Petitioner who is the first accused in CR. No. 81/00 of Udumpanchola Excise Range for offences punishable under Sections 8(1) , 8 (2) and 55(g) of the Abkari Act, for allegedly found distilling illicit arrack in a house belonging to the 2nd accused, seeks anticipatory bail.

2. The learned Public Prosecutor opposed the application. Admittedly, consequent on the non-appearance of the petitioner before the J.F.C.M., Kattappana where the case is pending as C.P. 70/06, non-bailable warrant of arrest are pending against the petitioner. Anticipatory bail cannot be granted to nullify the process issued by a court of competent jurisdiction.

3. There is no reason why the petitioner should not seek regular bail from the Magistrate concerned. If the petitioner surrenders before the Magistrate and files an application for regular bail within two weeks from today, the same shall be considered and disposed of preferably on the same date on which it is filed considering the explanation offered by the petitioner for his previous non-appearance.

With the above observation, This application is, dismissed.

V.RAMKUMAR, JUDGE.

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